REMARKS

Claims 1-6 are pending in the application. Claims 1-6 are rejected.

The Abstract of the Disclosure was objected to. A substitute Abstract is enclosed herewith. It is respectfully requested the objection be withdrawn. No new matter is entered.

Claim 1 has been clarified herein to recite that the mode setting means selects any one of a plurality of modes for deciding congestion information of an output side in accordance with a combination of said extracted congestion information and a setting condition.

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ohyoshi et al. (6,118,759) (Ohyoshi). The Office Action asserts that Ohyoshi teaches all the features of claims 1 and 4 including a mode setting means as claimed. The Office Action refers to Fig. 25 of Ohyoshi and col. 1, lines 61-67 and col. 2, lines 61-67 as disclosing a mode setting means as claimed.

However it is respectfully submitted that Ohyoshi only teaches writing a "1" to the FECN in the core header of the frame or the EFCI in the cell header and the congestion is informed.

Thus Ohyoshi only teaches informing of the congestion by writing the "1" as described in col. 1, lines 61-67.

Informing of congestion as described in Ohyoshi is different from setting a mode as claimed by applicant.

In applicant's claim 1 a mode of a plurality of modes is selected and in claim 4 two modes are recited.

In contrast Ohyoshi only informs of congestion and does not describe setting a mode. Ohyoshi only teaches the operation of merely writing data to FECN and/or EFCI, corresponding to the generation of a congestion information.

Ohyoshi describes a header editing part where information with regard to a congestion notification is written. The reference describes that the frame relay network may recognize a congestion notification from another frame relay network and a congestion notification from an ATM network. Also col. 17, lines 24-30 describe that it is separately able to detect a congestion notification from the ATM network and from the frame relay network.

However Ohyoshi does not teach setting a mode where the mode is for deciding congestion information of an output side in accordance with a combination of the extracted congestion information and a setting condition.

While Ohyoshi recognizes congestion information there is no description of the setting a mode with regard to a combination of the extracted congestion information and a setting condition.

Further applicant claims writing the congestion information into data of the other network of said frame relay network and said ATM network in accordance with a mode set by said mode setting means.

Claims 2 and 3 are rejected under 35 U.S.C. 103 as being unpatentable over Ohyoshi in view of Thomas (5,960,215). Claim 5 is rejected under 35 U.S.C. 103 as being unpatentable over Ohyoshi in view of Soumiya (5,936,956). Claim 6 is rejected under 35 U.S.C. 103 as being unpatentable over the combination of Ohyoshi et al. in view of Soumiya and further in view of the newly cited reference to Hluchyj et al. (5,497,375).

Its admitted in the Office Action that the combination of Ohyoshi in view of Soumiya does not teach the congestion transition means of claim 6 but referred to Hluchyj as teaching the congestion transition means as claimed. The Office Action referred to Fig. 11, boxes 1104, 1108 and col. 6, lines 65-67 of Hluchyj.

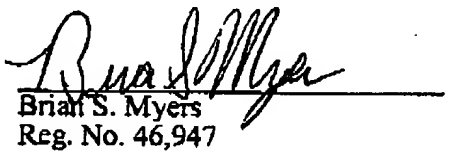
However neither of the other cited references either singly or in combination teaches the mode setting means of the claimed inveniton. Therefore, it is respectfully submitted that a mode setting means recited in claims 1-6 is not taught in Ohyoshi in combination with any other reference.

For at least the foregoing reasons it is respectfully requested the rejections of claims 1-6 be withdrawn and claims 1-6 be placed in condition for allowance.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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